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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,687	08/10/1999	ERIN DRAKELEY O'BRIEN	08575/048001	9542

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EXAMINER

VINCENT, DAVID ROBERT

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/371,687

Applicant(s)

O'BRIEN ET AL.

Examiner

David R. Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13,15-25 and 27-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13,15-25 and 27-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-13, 15-25, and 27-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 4, 6, 18, 30 and 37-39 are objected to because of the following informalities: For example: claims 37-39 specify "HTTPS" and most likely the applicant meant to claim "HTTP".

Claim 4 has an extra symbol (that looks like a division symbol) in line 1 after the term "wherein".

Claims 6, 18, 30 specify providing access "to the first party" based on the access information the account information, and the applicant may mean "to the second party".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

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The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 5-13, 17-25, 29-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Breneman (US 5,974,135).

Breneman discloses a computer implemented method for providing access to an account of a second party (customer's account, col. 1, lines 25-35) comprising receiving identification information (agent signs on, col. 6, lines 8-64, especially lines 10-14; and line 48; agent's passwords, col. 9, lines 64-67; col. 12, lines 13-26; col. 13, lines 11-16; col. 18)

associated with first party (agent, col. 1, lines 16-35; col. 3, lines 41-54)

that does not contain an authenticator of the second party (agent receives right to access customer's accounts without having to use any customer passwords, col. 6; the agent can

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display the customer account data, col. 7, lines 1-6; col. 10, lines 38-57)

based on the ID information (see above) receiving account information that defines a right (agent's access level, col. 9, lines 37-52) of the first party to access account data associated with account of second party (after agent logs on, col. 6; their user ID and password are validated, col. 12, lines 14-26; col. 18, lines 1-51 they can see customer data and help the customers make reservations, col. 1, lines 18-24), as specified in claims 1, 5, 9, 12, 14, 17, 21-24, 33-36, 40-43;

providing access to the first party based on the access information the account information (agent data, col. 6, lines 8-22; col. 9, lines 37-44; col. 12, lines 14-26; customer account data, col. 6, lines 54-64; col. 13, lines 38-64), as specified in claims 6, 18, 30;

displaying information corresponding to account data (col. 7, lines 1-6; col. 10, lines 38-57; col. 13, line 38-col. 14, line 4), as specified in claims 8, 19, 31;

obtaining account information from the storage device (customer account data, col. 6, lines 54-64; col. 13, lines 26-64), and determining/verifying if the first party is entitled to the account access (agent's access level, col. 9, lines 37-52; after agent logs on, col. 6; their user ID and password are

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validated, col. 12, lines 14-26; col. 18, lines 1-51 they can see customer data), as specified in claims 10, 11, 12;

a program that controls access to the account (e.g., program with search capabilities, col. 13, lines 26-64), as specified in claim 11;

instructions to cause a computer to change a "parameter" associated with the account data (help the customers make reservations or modify their accounts, col. 1, lines 18-24; col. 13, line 38-col. 14, line 4), as specified in claims 20, 32;

providing access to a second program (using subroutines, using IE, col. 9, lines 1-15 or col. 13, line 38-col. 14, line 4; Figs. 15-16), as specified in claim 23-24;

a memory and processor (computers Fig. 2; 206, 311, 208, 304, Fig. 3; cols. 5-8), as specified in claims 25, 29; and

using HTTP (e.g., col. 5, lines 60-67; col. 6, lines 4-6; col. 9, lines 4-15), as specified in claim 37-39.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at

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the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3-4, 15-16, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breneman, as set forth above, in view of McDonough (US 5,991,878).

However, although Breneman discloses using a password the purposes of a host session (e.g., col. 18, lines 1-51) and using browsers such as IE (col. 9, lines 1-15), Breneman fails to particularly call for the details involved with using IE and cookies, and as such fails to particularly call for using a text file or cookies, as specified in claims 3-4, 15-16, and 27-28.

McDonough teaches using a text file or cookies (col. 1, lines 34-67; col. 2, line 63-col. 3, line 12; storing cookies, col. 4, lines 56-64), as specified in claims 3-4, 15-16, and 27-28.

It would have been obvious to use cookies which are in fact text files because Breneman discloses using a password the purposes of a host session and using browsers such as IE. Doing so would allow for agents login to be remembered so the agent would not have to login every time they need to access a customer's account.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R.

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Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571 272 6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 5/24/05
David R Vincent
Primary Examiner
Art Unit 3628

May 24, 2005